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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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11. REQUEST FOR RECONSIDERATION

At the outset, Applicant contended that Coleman does not actually disclose centering pin.

The Examiner respectfully submits that Applicant apparently uses an “*ipsissimis verbis*” test that requires the same terminology in the art in order to find anticipation or obviousness. See footnote 11 of *AKZO N.V. v. International Trade Commission*, 1 USPQ2d 1241, 1245 (CAFC 1986). It is well settled that an inventor can be his/her own lexicographer. Thus, Coleman does not need to use the same terminology as Applicant uses.

In the instant case, Coleman explicitly states, *inter alia*, in col. 11, lines 44-65, the following:

The centers of the through holes 38 formed in the opposing belt ends 18 and 20 are preferably spaced at a distance that is greater than the distance between the pair of apertures 30 and 32 in the lower plate 12. The bolts 16 are preassembled to the lower plate 12 so that *the heads 42 thereof seat in respective apertures 30 and 32 and are prevented from rotation therein*. More particularly, the recesses 30 and 32 are formed by semi-conical recess wall portions 94 and 96 including opposed channels 98 formed therebetween. These walls 94 and 96 are formed by being bent out from the plane of the lower plate 12 so that the channels 96 and 98 leave non-deflected portions of the lower plate 12 which define a pair of projections 102 and 104 extending radially into the recesses 30 and 32.

The heads 32 of the bolts have a tapered underside surface 106, and *the conical wall portions 94 and 96 cooperate to define a conical seat for the bolt head surfaces 106 received thereon*. The bolt heads 42 also have opposing notches or grooves 108 and 110 which receive the respective projections 102 and 104 of the lower plate 12 to provide anti-rotational engagement of the bolts 16 with the lower plate 12 when the bolt heads 14 seat in the apertures 30 and 32. (Emphasis added).

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As noted above, the aperture 32 serves as the seat for the connecting element 16 and the conical wall portions 94, 96 serves as the conical seat for the bolt head surface 106 of the connecting element 16 as best illustrated in Coleman's FIG. 3. Therefore, Coleman's aperture 32 and wall portions 94, 96 perform the same function as Applicant's centering holes and centering pins. Hence, Coleman's aperture 32 and wall portions 94, 96 "read on" Applicant's centering holes and centering pins.

Applicant further contended that Coleman does not teach that the centering pins of a first housing part engage with receptacles of a second housing part.

It is well settled that nonobviousness cannot be established by attacking the references individually when the rejection is predicated upon a combination of prior art disclosures. *In re Merck & Co. Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). In obviousness determinations, all of the features of the secondary reference need not be bodily incorporated into the primary reference. *In re Keller*, 642 F.2d 413,425 (CCPA 1981). Moreover, the artisan is not compelled to blindly follow the teaching of one prior art reference over the other without the exercise of independent judgment. *Lear Siegler, Inc. v. Aeroquip Corp.*, 733 F.2d 881,889 (Fed. Cir. 1984).

Applying the above principle of law to the case at hand, even though Coleman does not teach the first housing part engaged with the second housing part, however, Hager teaches the first housing part 2 engaged with the second housing part 15. The combination of Hager and Coleman teaches the first and second housing parts as claimed.

Finally, Applicant asserted that Coleman teaches away from connecting two housing parts.

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The Court in *Tec Air Inc. v. Denso Manufacturing Michigan Inc.*, 52 USPQ2d 1294 (Fed. Cir. 1999) pointed out that “A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant . . . [or] if it suggests that the line of development flowing from the reference's disclosure is unlikely to be productive of the result sought by the applicant.” *In re Gurley*, 27 F.3d 551, 553, 31 USPQ2d 1130, 1131(Fed. Cir. 1994). If when combined, the references “would produce a seemingly inoperative device,” then they teach away from their combination. *In re Spinnoble*, 405 F.2d 578, 587, 160 USPQ 237, 244 (CCPA 1969). See also *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984) (finding no suggestion to modify a prior art device where the modification would render the device inoperable for its intended purpose).

In the case at hand, when one having ordinary skill in the art forms the centering holes and centering pins on Hager's second housing part 15 as taught or suggested by Coleman, the housing parts 2 and 15 of Hager are still operative for its intended purpose as a drive unit, *a fortiori*, Coleman does not teach away the claimed invention pursuant to *stare decisis*.

In view of the foregoing, the Examiner respectfully declines Applicant's request to withdraw the rejections set forth in the final Office action on February 22, 2010.